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SIXTIETH LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 25, 2009**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Bair, Coiner, Lodge, Pearce, Schroeder, and Siddoway, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Ashley Patrick, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Coiner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

President Pro Tempore Geddes was recorded present at this order of business.

February 25, 2009

The JUDICIARY AND RULES Committee reports that [S 1127](#) has been correctly printed.

DARRINGTON, Chairman

[S 1127](#) was referred to the Health and Welfare Committee.

February 24, 2009

The JUDICIARY AND RULES Committee reports that [S 1012](#) and [S 1019](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1012](#) and [S 1019](#) and ordered them transmitted to the House for the signature of the Speaker.

February 24, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1044](#) was delivered to the Office of the Governor at 2 p.m., February 24, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 24, 2009

The AGRICULTURAL AFFAIRS Committee reports out [H 34](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [H 34](#) was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 83](#) with the recommendation that it do pass.

HILL, Chairman

[H 83](#) was filed for second reading.

February 24, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1080](#) and [S 1096](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1080](#) and [S 1096](#) were filed for second reading.

February 24, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1095](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [S 1095](#) was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2009

February 24, 2009

The TRANSPORTATION Committee reports out [S 1088](#) with the recommendation that it do pass.

MCGEE, Chairman

[S 1088](#) was filed for second reading.

February 24, 2009

The TRANSPORTATION Committee reports out [S 1098](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [S 1098](#) was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2009

The HEALTH AND WELFARE Committee reports out [S 1114](#) and [S 1115](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1114](#) and [S 1115](#) were filed for second reading.

February 25, 2009

The STATE AFFAIRS Committee reports out [S 1084](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1084](#) was referred to the Fourteenth Order of Business, General Calendar.

February 25, 2009

The STATE AFFAIRS Committee reports out [S 1119](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1119](#) was filed for second reading.

Senators Bair, Pearce, and Siddoway were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senators Schroeder and Lodge were recorded present at this order of business.

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Max C. Black of Boise, Idaho, was appointed as a member of the the State Insurance Fund Board to serve a term commencing February 11, 2009, and expiring April 3, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 24, 2009

Dear Mr. President:

I transmit herewith [HCR 16](#), [H 123](#), [H 57](#), [H 78](#), [H 173](#), and [H 119](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 16](#), [H 123](#), [H 57](#), [H 78](#), [H 173](#), and [H 119](#) were filed for first reading.

February 24, 2009

Dear Mr. President:

I return herewith [S 1018](#) and [S 1041](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1018](#) and [S 1041](#) were referred to the Judiciary and Rules Committee for enrolling.

February 24, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 9](#), [H 18](#), [H 28](#), [H 1](#), and [HJM 2](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 9](#), [H 18](#), [H 28](#), [H 1](#), and [HJM 2](#) and ordered them returned to the House.

February 24, 2009

Dear Mr. President:

I return herewith Enrolled [S 1067](#), [S 1068](#), and [S 1069](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1067](#), [S 1068](#), and [S 1069](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Pages:

Katrina Clayson, Inkom
Michele Jenkins, Kuna
Ashley Patrick, Caldwell
Kaytlin Schrader, Nampa
Whitney Schut, Rupert
Emily Tippetts, Bennington
Natalie Tippetts, Bennington
Mallory Triplett, Sandpoint
Darcie Wonacott, Meridian

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[HCR 16](#), by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 123](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 57](#) and [H 78](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 173](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 119](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On motion by Senator Corder, granted by unanimous consent, [H 33](#) was recommitted to the Agricultural Affairs Committee.

[S 1106](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1111](#), [S 1113](#), and [S 1117](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 45](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 35](#), [H 36](#), and [H 37](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

[H 31](#), as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[S 1056](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1060](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

[S 1059](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1074](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1051](#), [S 1053](#), [H 64](#), [S 1017](#), as amended, and [H 34](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1051 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 17 and insert: "Legislature to enact the "Truth in Caller Identification Act." The Legislature finds that the citizens of this state are potential targets of a telephone scam known as caller identification spoofing or caller identification fraud that allows

a caller to hide his or her true identity by modifying caller identification information. It is therefore the intent of the "Truth in Caller Identification Act" to protect people from such scams that have led to harassment, the loss of personal information and potentially threatening telephone calls."

AMENDMENT TO THE BILL

On page 1, delete lines 18 through 38, and delete pages 2 and 3, and insert:

"SECTION 2. That Chapter 6, Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 48-603F, Idaho Code, and to read as follows: 48-603F. truth in caller identification act.(1) For purposes of this section:

- (a) "Caller" means a person who places a call by a telephone or over a telephone line, even if the person begins the call on a computer?
- (b) "Caller identification system" means a listing of a callers name, telephone number or name and telephone number that is shown to a recipient of a call when the recipient answers?
- (c) "Established business relationship" means a relationship between the caller and the consumer that was formed prior to the telephone call at issue on the basis of an application, purchase, ongoing contractual agreement or commercial transaction between the parties regarding goods or services offered by the caller;
- (d) "False information" means data that misrepresents the identity of the caller to the recipient of a call? except that when a person making an authorized call on behalf of another person inserts the name, telephone number or name and telephone number of the person on whose behalf the call is being made, such information shall not be deemed false information? and
- (e) "Insert" means insert by voice communication, by written communication or by otherwise entering into a computer.

(2) A caller may not insert false information into a caller identification system call.

(3) The provisions of this section shall not apply to:

- (a) Any blocking of caller identification information;
- (b) Any law enforcement agencies of the federal government, the state government, a county or a municipality;
- (c) Any intelligence or security agencies of the federal government; or
- (d) Telephone calls where there is already an established business relationship between the caller and the person receiving the call."

CORRECTION TO TITLE

On page 1, delete lines 3 through 9, and insert: "LEGISLATIVE INTENT; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-603F, IDAHO CODE, TO DEFINE TERMS AND TO PROHIBIT INSERTION OF FALSE INFORMATION INTO A CALLER IDENTIFICATION SYSTEM CALL AND TO PROVIDE EXCEPTIONS."

SENATE AMENDMENT TO S 1053

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 17, delete "verification from"; delete line 18; and in line 19, delete "number." and insert: "documentation sufficient to the department to determine that no social security number has been issued."

AMENDMENT TO SECTION 2

On page 2, delete line 18; and in line 19, delete "been assigned a social security number." and insert: "present written documentation sufficient to the department to determine that no social security number has been issued."

SENATE AMENDMENT TO H 64

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, following "are" insert: "not".

CORRECTION TO TITLE

On page 1, in line 5, following "DOES" insert: "NOT".

SENATE AMENDMENT TO S.b. No. 1017, As Amended

AMENDMENT TO SECTION 3

On page 4 of the engrossed bill, in line 30, delete "or to have the child privately instructed at home by his"; and in line 31, delete "parent or guardian".

SENATE AMENDMENT TO H 34

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 34, following "for" insert: "insurable".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), [S 1098](#), and [S 1084](#) under consideration, reports progress, and begs leave to sit again.

Senator Stegner, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1051](#), as amended, [S 1053](#), as amended, and [S 1017](#), as amended, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 64](#), as amended in the Senate, and [H 34](#), as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Thursday, February 26, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary